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| Customized FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | | ATTORNEY DOCKET NO. P07361US00/RFH |
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | U.S. APPLICATION NO. 09/914564 |
| INTERNATIONAL APPLICATION NO. PCT/AU00/00149 | INTERNATIONAL FILING DATE 03 MARCH 2000 | PRIORITY DATE CLAIMED 04 MARCH 1999 |
| TITLE OF INVENTION: WIRELESS SLEEP MONITORING | | |
| APPLICANT(S) FOR DO/EO/US: SASSE, Anthony C. | | |
| Applicant herewith submits to the US Designated/Elected Office (DO/EO/US) the following items and other information: | | |
| <div style="display: flex; flex-direction: column;"> <div style="margin-bottom: 5px;"><input checked="" type="checkbox"/> 1. This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</div> <div style="margin-bottom: 5px;"><input type="checkbox"/> 2. This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 USC 371.</div> <div style="margin-bottom: 5px;"><input checked="" type="checkbox"/> 3. This express request to begin national examination procedures (35 USC 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 USC 371(b) and PCT Art. 22 and 39(1).</div> <div style="margin-bottom: 5px;"><input checked="" type="checkbox"/> 4. A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</div> <div style="margin-bottom: 5px;"><input checked="" type="checkbox"/> 5. A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) <div style="margin-left: 20px;"> <input type="checkbox"/> a. is transmitted herewith (required only if not transmitted by the International Bureau). <input checked="" type="checkbox"/> b. has been transmitted by the International Bureau. <input type="checkbox"/> c. is not required, as the application was filed in the United States Receiving Office (RO/US). </div> </div> <div style="margin-bottom: 5px;"><input type="checkbox"/> 6. A translation of the International Application into English (35 U.S.C. 371(c)(2)).</div> <div style="margin-bottom: 5px;"><input checked="" type="checkbox"/> 7. Amendments to the claims of the International Appln. under PCT Article 19 (35 USC 371 (c)(3)) <div style="margin-left: 20px;"> <input type="checkbox"/> a. are transmitted herewith (required only if not transmitted by the International Bureau). <input type="checkbox"/> b. have been transmitted by the International Bureau. <input type="checkbox"/> c. have not been made; however, the time limit for making such amendments had NOT expired. <input checked="" type="checkbox"/> d. have not been made and will not be made. </div> </div> <div style="margin-bottom: 5px;"><input type="checkbox"/> 8. A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</div> <div style="margin-bottom: 5px;"><input type="checkbox"/> 9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</div> <div style="margin-bottom: 5px;"><input type="checkbox"/> 10. A translation of the annexes to the Int'l Prelim. Exam. Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</div> <div style="margin-bottom: 5px;"> Items 11. to 20. below concern document(s) or information included: </div> <div style="margin-bottom: 5px;"><input type="checkbox"/> 11. An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.</div> <div style="margin-bottom: 5px;"><input type="checkbox"/> 12. An Assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</div> <div style="margin-bottom: 5px;"><input checked="" type="checkbox"/> 13. A First preliminary amendment.</div> <div style="margin-bottom: 5px;"><input type="checkbox"/> 14. A Second or Subsequent preliminary amendment.</div> <div style="margin-bottom: 5px;"><input type="checkbox"/> 15. A substitute specification.</div> <div style="margin-bottom: 5px;"><input type="checkbox"/> 16. A change of power of attorney and/or address letter.</div> <div style="margin-bottom: 5px;"><input type="checkbox"/> 17. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 & 35 USC 1.821-825.</div> <div style="margin-bottom: 5px;"><input type="checkbox"/> 18. A second copy of the published international application under 35 USC 154(d)(4).</div> <div style="margin-bottom: 5px;"><input type="checkbox"/> 19. A second copy of the English translation of the international application under 35 USC 154(d)(4).</div> <div style="margin-bottom: 5px;"><input type="checkbox"/> 20. Other items or information:</div> <div style="margin-left: 20px; margin-bottom: 5px;"><input type="checkbox"/></div> <div style="margin-left: 20px; margin-bottom: 5px;"><input type="checkbox"/></div> <div style="margin-bottom: 5px;"><input type="checkbox"/> A copy of the Notification of Missing Requirements under 35 U.S.C. 371.</div> <div style="margin-bottom: 5px;"><input type="checkbox"/> In the event that a petition for extension of time is required to be submitted herewith, and in the event that a separate petition does not accompany this response, applicant hereby petitions under 37 CFR 1.136(a) for an extension of time of as many months as are required to render this submission timely. Any fee is authorized in 17(c).</div> </div> | | |
| Date: 31 August 2001 | | |

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|---|---------------------|---|-------------|--|--|--------|--|--------|--|--------|--|--------|--|--------|----------------------------------|--|
| U.S. APPLICATION NO. <i>(if known)</i> 09/914564 | | INTERNATIONAL APPLICATION NO. PCT/AU00/00149 | | ATTORNEY DOCKET NO. P07361US00/RFH | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> 21. The following fees are submitted: <input checked="" type="checkbox"/> Basic National Fee (37 CFR 1.492 (a) (1)-(5): <table style="width: 100%; margin-top: 5px;"> <tr> <td><input checked="" type="checkbox"/> Neither Int'l Prelim. Exam. fee nor Int'l Search fee paid to USPTO</td> <td style="text-align: right;">\$1000</td> </tr> <tr> <td><input type="checkbox"/> Search Report has been prepared by the EPO or JPO</td> <td style="text-align: right;">\$ 860</td> </tr> <tr> <td><input type="checkbox"/> No Int'l Prelim. Ex. fee paid to USPTO but Int'l Search fee paid to USPTO</td> <td style="text-align: right;">\$ 710</td> </tr> <tr> <td><input type="checkbox"/> International preliminary examination fee paid to USPTO</td> <td style="text-align: right;">\$ 690</td> </tr> <tr> <td><input type="checkbox"/> Int'l Prelim. Ex. fee paid to USPTO & all claims satisfied PCT Art. 33(1)-(4)</td> <td style="text-align: right;">\$ 100</td> </tr> </table> | | | | | <input checked="" type="checkbox"/> Neither Int'l Prelim. Exam. fee nor Int'l Search fee paid to USPTO | \$1000 | <input type="checkbox"/> Search Report has been prepared by the EPO or JPO | \$ 860 | <input type="checkbox"/> No Int'l Prelim. Ex. fee paid to USPTO but Int'l Search fee paid to USPTO | \$ 710 | <input type="checkbox"/> International preliminary examination fee paid to USPTO | \$ 690 | <input type="checkbox"/> Int'l Prelim. Ex. fee paid to USPTO & all claims satisfied PCT Art. 33(1)-(4) | \$ 100 | CALCULATIONS PTO USE ONLY | |
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| <input type="checkbox"/> Int'l Prelim. Ex. fee paid to USPTO & all claims satisfied PCT Art. 33(1)-(4) | \$ 100 | | | | | | | | | | | | | | | |
| ENTER APPROPRIATE BASIC FEE AMOUNT = | | | | | \$ 1000 | | | | | | | | | | | |
| <input type="checkbox"/> Surcharge of \$130 for furnishing the oath or declaration later than from the earliest claimed priority date (37 CFR 1.492(e)). <table style="width: 100%; margin-top: 5px;"> <tr> <td><input type="checkbox"/> 20 mos.</td> <td></td> </tr> <tr> <td><input type="checkbox"/> 30 mos. +</td> <td></td> </tr> </table> | | | | | <input type="checkbox"/> 20 mos. | | <input type="checkbox"/> 30 mos. + | | \$ | | | | | | | |
| <input type="checkbox"/> 20 mos. | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> 30 mos. + | | | | | | | | | | | | | | | | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | | | | | | | | | | | | |
| Total Claims | 21 - 20 = | 1 | X \$18 = | \$ 18 | | | | | | | | | | | | |
| Independent Claims | 02 - 03 = | | X \$80 = | \$ | | | | | | | | | | | | |
| <input type="checkbox"/> Multiple Dependent Claim(s) (if applicable) | | | + \$270 = | \$ | | | | | | | | | | | | |
| TOTAL OF ABOVE CALCULATIONS = | | | | | \$ 1018 | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | | - | \$ 509 | | | | | | | | | | |
| SUBTOTAL = | | | | | \$ 509 | | | | | | | | | | | |
| <input type="checkbox"/> Processing fee of \$130 for furnishing the English translation later than from the earliest claimed priority date (37 CFR 1.492(f)). <table style="width: 100%; margin-top: 5px;"> <tr> <td><input type="checkbox"/> 20 mos.</td> <td></td> </tr> <tr> <td><input type="checkbox"/> 30 mos. +</td> <td></td> </tr> </table> | | | | | <input type="checkbox"/> 20 mos. | | <input type="checkbox"/> 30 mos. + | | \$ | | | | | | | |
| <input type="checkbox"/> 20 mos. | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> 30 mos. + | | | | | | | | | | | | | | | | |
| TOTAL NATIONAL FEE = | | | | | \$ 509 | | | | | | | | | | | |
| <input type="checkbox"/> Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property | | | | | + | \$ | | | | | | | | | | |
| TOTAL FEES ENCLOSED = | | | | | \$ 509 | | | | | | | | | | | |
| <i>Amount to be</i> | | | | | Refunded | \$ | | | | | | | | | | |
| | | | | | Charged | \$ | | | | | | | | | | |
| <input checked="" type="checkbox"/> a. A check in the amount of \$ 509.00 to cover the above fees is enclosed. <input type="checkbox"/> b. Please charge my Deposit Account No. 12-0555 in the amount of \$ to cover the above fees. <input checked="" type="checkbox"/> c. The Commissioner is hereby authorized to charge any additional fees required or credit overpayment to Deposit Account No. 12-0555. | | | | | | | | | | | | | | | | |
| Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status. | | | | | | | | | | | | | | | | |
| SEND ALL CORRESPONDENCE TO: ROSS F. HUNT, JR. At the address (below) of CUSTOMER NO. 00881. LARSON & TAYLOR, PLC 1199 NORTH FAIRFAX ST. SUITE 900 ALEXANDRIA, VA 22314 | | | | SIGNATURE: <u>Douglas E. Jackson</u> NAME: Douglas E. Jackson REG. NO.: 28518 PHONE NO.: 703-739-4900 Date: 31 August 2001 | | | | | | | | | | | | |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent

In re patent application of: SASSE et al.

Serial No.: NEW APPLICATION

Filed: On even date herewith

For: WIRELESS SLEEP MONITORING

Examiner:

Art Unit:

Dckt No.: P07361US00/RFH

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C.

S I R:

Prior to examination, please amend the above-identified application as follows.

IN THE CLAIMS:

A clean version of the amended claims is provided herewith in **Attachment A**. It will be noted that claims 3-11, 15-19 and 21 have been amended relative to the previously provided version as shown by the marked up version thereof in **Attachment B** provided herewith.

REMARKS

By this Amendment, the claims have been rewritten to reduce the multiple dependencies.

Further and favorable action is solicited.

Respectfully submitted,

Date: 8/31/01

By: Douglas E. Jackson
Douglas E. Jackson
Registration No. 28,518

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY DOCKET NO.
P07361US00/RFH

U.S. APPLICATION NO.

09/914564

INTERNATIONAL APPLICATION NO.
PCT/AU00/00149

INTERNATIONAL FILING DATE
03 MARCH 2000

PRIORITY DATE CLAIMED
04 MARCH 1999

TITLE OF INVENTION: WIRELESS SLEEP MONITORING

APPLICANT(S) FOR DO/EO/US: SASSE, Anthony C.

Applicant herewith submits to the US Designated/Elected Office (DO/EO/US) the following items and other information:

- ☒ 1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.

☐ 2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.

☒ 3. This express request to begin national examination procedures (35 USC 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 USC 371(b) and PCT Art. 22 and 39(1).

☒ 4. A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.

☒ 5. A **copy** of the International Application as filed (35 U.S.C. 371 (c)(2))

☐ a. is transmitted herewith (required only if not transmitted by the International Bureau).

☒ b. has been transmitted by the International Bureau.

☐ c. is not required, as the application was filed in the United States Receiving Office (RO/US).

☐ 6. A **translation** of the International Application into English (35 U.S.C. 371(c)(2)).

☒ 7. Amendments to the claims of the International Appln. under PCT Article 19 (35 USC 371 (c)(3))

☐ a. are transmitted herewith (required only if not transmitted by the International Bureau).

☐ b. have been transmitted by the International Bureau.

☐ c. have not been made; however, the time limit for making such amendments had NOT expired.

☒ d. have not been made and will not be made.

☐ 8. A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).

☐ 9. An **oath** or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).

☐ 10. A translation of the annexes to the Int'l Prelim. Exam. Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 20. below concern document(s) or information included:

☐ 11. An **Information Disclosure Statement** under 37 C.F.R. 1.97 and 1.98.

☐ 12. An **Assignment** document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.

☒ 13. A **First preliminary amendment**.

☐ 14. A **Second or Subsequent preliminary amendment**.

☐ 15. A **substitute specification**.

☐ 16. A **change of power of attorney and/or address letter**.

☐ 17. A **computer-readable form of the sequence listing** in accordance with PCT Rule 13ter.2 & 35 USC 1.821-825.

☐ 18. A **second copy of the published international application** under 35 USC 154(d)(4).

☐ 19. A **second copy of the English translation of the international application** under 35 USC 154(d)(4).

☐ 20. **Other items or information:**

☐

☐

- ☐ A copy of the Notification of Missing Requirements under 35 U.S.C. 371.
- ☐ In the event that a petition for extension of time is required to be submitted herewith, and in the event that a separate petition does not accompany this response, applicant hereby petitions under 37 CFR 1.136(a) for an extension of time of as many months as are required to render this submission timely. Any fee is authorized in 17(c).

Date: 31 August 2001

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| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
| Total Claims | 21 - 20 = | 1 | X \$18 = | \$ 18 | |
| Independent Claims | 02 - 03 = | | X \$80 = | \$ | |
| <input type="checkbox"/> Multiple Dependent Claim(s) (if applicable) | | | + \$270 = | \$ | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ 1018 | |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | | \$ 509 |
| SUBTOTAL = | | | | \$ 509 | |
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| <i>Amount to be</i> | | | | <i>Refunded</i> \$ | |
| <i>Charged</i> | | | | \$ | |
| <input checked="" type="checkbox"/> a. A check in the amount of \$ 509.00 to cover the above fees is enclosed. | | | | | |
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| SEND ALL CORRESPONDENCE TO: | | | SIGNATURE: <u>Douglas E. Jackson</u> | | |
| ROSS F. HUNT, JR. | | | NAME: Douglas E. Jackson | | |
| At the address (below) of CUSTOMER NO. 00881. | | | REG. NO.: 28518 | | |
| LARSON & TAYLOR, PLC | | | PHONE NO.: 703-739-4900 | | |
| 1199 NORTH FAIRFAX ST. | | | Date: 31 August 2001 | | |
| SUITE 900 | | | | | |
| ALEXANDRIA, VA 22314 | | | | | |

ATTACHMENT B

Marked Up Replacement Claims

Following herewith is a marked up copy of each rewritten claim together with all other pending claims.

1. Apparatus for physiological monitoring of a remote subject including:
 - a base station having a transmission means for transmitting a reference signal;
 - and
 - at least one physiological monitoring probe connectable to said subject, said physiological monitoring probe or probes having:
 - receiver means for receiving said reference signal;
 - monitoring means for monitoring said subject and generating a condition signal containing information related to a condition or conditions of said subject;
 - modulation means for modulating said reference signal to produce a modulated reference signal containing said information contained in said condition signal; and
 - passive retransmission means for passively retransmitting said modulated reference signal to said base station;
 - wherein said base station has means for receiving said modulated reference signal, and means for demodulating said modulated reference signal to obtain said information related to one or more conditions of said subject so that one or more conditions of said subject can be monitored at said base station, and wherein said physiological monitoring means includes intermediate signal mean for generating an intermediate signal. Derived by combining said condition signal with a fixed or varying frequency signal before modulating said reference signal.
2. Apparatus as claimed in claim 1, wherein said receiving means and passive retransmission means are a passive radio transponder.
3. (amended) Apparatus as claimed in ~~either~~ claim 1 or 2, wherein said monitoring means includes a physical parameter transducer.

4. (amended) Apparatus as claimed in ~~either claim 1 or 2~~, wherein said monitoring means includes a biological electrode.
5. (amended) Apparatus as claimed in ~~any one of claims 1 to 4~~claim 1, wherein said intermediate signal means is operable to convert analog and/or digital signals from the monitoring means to an intermediate signal which is used to modulate a radio frequency signal received by a passive radio transponder, so that the transponder automatically retransmits a modulated signal which contains information relating to the condition of the subject.
6. (amended) Apparatus as claimed in ~~any one of claims 1 to 6~~claim 1, wherein said passive radio transponder may use a plurality of intermediate signals to modulate a radio frequency reference signal.
7. (amended) Apparatus as claimed in ~~any one of the preceding claims~~claim 1, wherein said base station includes analog and/or digital outputs for outputting data.
8. (amended) Apparatus as claimed in ~~any one of the preceding claims~~claim 1, wherein said base station is connectable to a computer network, and operable to receive input and output data via said computer network.
9. (amended) Apparatus as claimed in ~~any one of the preceding claims~~claim 1, including encryption means so that said apparatus can transmit and/or receive data in encrypted form.
10. (amended) Apparatus as claimed in ~~any one of the preceding claims~~claim 1, wherein said condition signal includes a synchronous or an asynchronous data signal.
11. (amended) Apparatus as claimed in ~~any one of the preceding claims~~claim 1, wherein said base station is operable to use either a fixed frequency reference signal or vary the frequency or phase of the reference signal by a continuously varying signal

having an instantaneous value that determines the respective instantaneous frequency or phase.

12. Apparatus as claimed in claim 11 in which the continuously varying signal is a Pseudo-Random Binary Sequence.

13. A method of physiological monitoring of remote subject including:

transmitting a reference signal from a base station to at least one remote physiological monitoring probe connected to a subject;

monitoring said subject and generating a condition signal containing information related to a condition or conditions of a said subject;

generating an intermediate signal derived by combining said condition signal with a fixed or varying frequency signal;

modulating said reference signal to produce a modulated reference signal containing said information contained in said condition signal;

passively retransmitting said modulated reference signal from said biological monitoring probe to said base station; and

demodulating said modulated reference signal to obtain said information related to the condition or conditions of said subject so that the condition or conditions of said subject can be monitored at said base station.

14. A method as claimed in claim 13, wherein said fixed or varying frequency signal includes a plurality of sub-carrier signals.

15. (amended) A method as claimed in claim 13 or 14 further including converting analog and/or digital signals from a subject monitoring means to the intermediate signal which is then used to modulate a radio frequency signal received by a passive radio transponder, whereby the transponder automatically retransmits a modulated signal containing information relating to the condition of the subject.

16. (amended) A method as claimed in ~~any one of claims 13 to 15~~claim 13, including transmitting data from said base station over a computer network, and/or inputting data over a computer network.

17. (amended) A method as claimed in ~~any one of claims 13 to 16~~claim 13, including encrypting data to be output by said base station, and/or encrypting said modulated reference signal.

18. (amended) A method as claimed in ~~any one of claims 13 to 17~~claim 13, including transmitting said condition signal as a synchronous or an asynchronous data signal.

19. (amended) A method as claimed in ~~any one of claims 13 to 18~~claim 13, including fixing the frequency of the reference signal or varying the frequency or phase of the reference signal by a continuously varying signal having an instantaneous value that determines the respective instantaneous frequency or phase.

20. A method as claimed in claim 19 in which the continuously varying signal is a Pseudo-Random Binary Sequence.

21. (amended) A method-as claimed in ~~any one of claims 13 to 20~~claim 13, wherein said method is used to monitor sleep apnoea.

ATTACHMENT A

Clean Replacement/New Claims (entire set of pending claims)

Following herewith is a clean copy of the entire set of pending claims.

1. Apparatus for physiological monitoring of a remote subject including:
 - a base station having a transmission means for transmitting a reference signal;
 - and
 - at least one physiological monitoring probe connectable to said subject, said physiological monitoring probe or probes having:
 - receiver means for receiving said reference signal;
 - monitoring means for monitoring said subject and generating a condition signal containing information related to a condition or conditions of said subject;
 - modulation means for modulating said reference signal to produce a modulated reference signal containing said information contained in said condition signal; and
 - passive retransmission means for passively retransmitting said modulated reference signal to said base station;
 - wherein said base station has means for receiving said modulated reference signal, and means for demodulating said modulated reference signal to obtain said information related to one or more conditions of said subject so that one or more conditions of said subject can be monitored at said base station, and wherein said physiological monitoring means includes intermediate signal mean for generating an intermediate signal. Derived by combining said condition signal with a fixed or varying frequency signal before modulating said reference signal.
2. Apparatus as claimed in claim 1, wherein said receiving means and passive retransmission means are a passive radio transponder.
3. (amended) Apparatus as claimed in claim 1, wherein said monitoring means includes a physical parameter transducer.

4. (amended) Apparatus as claimed in claim 1, wherein said monitoring means includes a biological electrode.

5. (amended) Apparatus as claimed in claim 1, wherein said intermediate signal means is operable to convert analog and/or digital signals from the monitoring means to an intermediate signal which is used to modulate a radio frequency signal received by a passive radio transponder, so that the transponder automatically retransmits a modulated signal which contains information relating to the condition of the subject.

6. (amended) Apparatus as claimed in claim 1, wherein said passive radio transponder may use a plurality of intermediate signals to modulate a radio frequency reference signal.

7. (amended) Apparatus as claimed in claim 1, wherein said base station includes analog and/or digital outputs for outputting data.

8. (amended) Apparatus as claimed in claim 1, wherein said base station is connectable to a computer network, and operable to receive input and output data via said computer network.

9. (amended) Apparatus as claimed in claim 1, including encryption means so that said apparatus can transmit and/or receive data in encrypted form.

10. (amended) Apparatus as claimed in claim 1, wherein said condition signal includes a synchronous or an asynchronous data signal.

11. (amended) Apparatus as claimed in claim 1, wherein said base station is operable to use either a fixed frequency reference signal or vary the frequency or phase of the reference signal by a continuously varying signal having an instantaneous value that determines the respective instantaneous frequency or phase.

12. Apparatus as claimed in claim 11 in which the continuously varying signal is a Pseudo-Random Binary Sequence.

13. A method of physiological monitoring of remote subject including:
transmitting a reference signal from a base station to at least one remote physiological monitoring probe connected to a subject;
monitoring said subject and generating a condition signal containing information related to a condition or conditions of a said subject;
generating an intermediate signal derived by combining said condition signal with a fixed or varying frequency signal;
modulating said reference signal to produce a modulated reference signal containing said information contained in said condition signal;
passively retransmitting said modulated reference signal from said biological monitoring probe to said base station; and
demodulating said modulated reference signal to obtain said information related to the condition or conditions of said subject so that the condition or conditions of said subject can be monitored at said base station.

14. A method as claimed in claim 13, wherein said fixed or varying frequency signal includes a plurality of sub-carrier signals.

15. (amended) A method as claimed in claim 13 further including converting analog and/or digital signals from a subject monitoring means to the intermediate signal which is then used to modulate a radio frequency signal received by a passive radio transponder, whereby the transponder automatically retransmits a modulated signal containing information relating to the condition of the subject.

16. (amended) A method as claimed in claim 13, including transmitting data from said base station over a computer network, and/or inputting data over a computer network.

17. (amended) A method as claimed in claim 13, including encrypting data to be output by said base station, and/or encrypting said modulated reference signal.

18. (amended) A method as claimed in claim 13, including transmitting said condition signal as a synchronous or an asynchronous data signal.

19. (amended) A method as claimed in claim 13, including fixing the frequency of the reference signal or varying the frequency or phase of the reference signal by a continuously varying signal having an instantaneous value that determines the respective instantaneous frequency or phase.

20. A method as claimed in claim 19 in which the continuously varying signal is a Pseudo-Random Binary Sequence.

21. (amended) A method as claimed in claim 13, wherein said method is used to monitor sleep apnoea.

09/914564

DECLARATION FOR USA PATENT APPLICATION

(including Design and National Stage PCT)

Atty's Docket ID: P07361US00/RFH

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention

entitled: **WIRELESS SLEEP MONITORING**the specification of which:
is attached hereto
(or)

X was filed on 03 MARCH 2000 as PCT International Application No. PCT/AU00/00149, and was amended on June 29, 2001 and August 31, 2001 (this application was Nationalized in the US on August 31, 2001 as U.S.S.N. 09/).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim FOREIGN PRIORITY benefits under 35 USC 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the US, listed below and have also identified below, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed. (____ ADDITIONAL APPLICATIONS IDENTIFIED ON ADDITIONAL INFORMATION SHEET)

Prior Foreign Appl. No.
PP 9022Country
AUDay/Month/Year Filed
04 March 1999

Priority Not Claimed

I hereby claim the benefit under 35 USC 119(e) of any US PROVISIONAL application(s) listed below. (____ ADDITIONAL APPLICATIONS IDENTIFIED ON ADDITIONAL INFORMATION SHEET)

U.S. Provisional Application No.

Parent Filing Date (Day/Month/Year)

I hereby claim the (CONTINUATION) benefit under 35 USC 120 of any US application(s), or under 365(c) of any PCT application designating the US, listed below. (____ ADDITIONAL APPLICATIONS IDENTIFIED ON ADDITIONAL INFORMATION SHEET)

U.S. or PCT Parent Application No.

Parent Filing Date (Day/Month/Year)

Parent Patent No. (if applicable)

As a named inventor, I hereby appoint the registered practitioners of **LARSON & TAYLOR, PLC** associated with **Customer Number 000884** to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Direct all correspondence to that Customer Number.Direct all telephone calls to Ross F. Hunt, Jr.
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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3/01